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AB-2967 Teacher Housing Act of 2016: nonprofit organization employees. (2023-2024)

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Assembly Bill No. 2967

CHAPTER 748

An act to amend Sections 53571, 53572, 53573, and 53574 of the Health and Safety Code, relating to housing.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2967, Ting. Teacher Housing Act of 2016: nonprofit organization employees.

Existing law, the Teacher Housing Act of 2016, authorizes a school district to establish and implement programs, as provided, that address the housing needs of teachers and school district employees who face challenges in securing affordable housing. The act restricts programs established under its provisions to teachers and school district employees, with certain exceptions. The act defines the term “teacher or school district employee” for these purposes to mean any person employed by a unified school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 12, inclusive, an elementary school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 8, inclusive, or a high school district maintaining grades 9 to 12, inclusive, including, but not limited to, certificated and classified staff. The act creates a state policy supporting housing for teachers and school district employees and permits school districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to teachers and school district employees, as specified.

This bill would expand the authority provided under the act to include programs that address the housing needs of nonprofit organization employees who face challenges in securing affordable housing. The bill would define “nonprofit organization employee” for these purposes to include employees of a nonprofit organization operating early childhood, prekindergarten, or schoolage childcare, classrooms, or programs, or expanded learning classrooms and programs, on school district property with funding from the State Department of Education, the federal Head Start program, or other public funding targeted to children from families of low and moderate income. The bill would make conforming changes to the act in this regard. The bill, for housing made available or a contract for housing entered into on or after January 1, 2025, would require a program established under these provisions to provide teachers, school district employees, and nonprofit organization employees with a right of first refusal to occupy housing acquired, constructed, rehabilitated, or preserved under the act. The bill would require teachers or school district employees to be prioritized before nonprofit organization employees.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53571 of the Health and Safety Code is amended to read:

53571. (a) The purpose of this part is to facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for teachers, school district employees, and nonprofit organization employees to allow teachers, school district

employees, and nonprofit organization employees to access and maintain housing stability.

(b) A program established under this part shall be restricted to teachers, school district employees, and nonprofit organization employees, except that a school district may allow local public employees or other members of the public to occupy housing created through this part, subject to applicable laws and regulations.

(c) A school district shall retain the right to prioritize school district employees over local public employees or other members of the public to occupy housing.

(d) A program established under this part shall provide teachers, school district employees, and nonprofit organization employees with a right of first refusal to occupy housing acquired, constructed, rehabilitated, or preserved under this part. Teachers or school district employees shall be prioritized before nonprofit organization employees.

(e) The amendments made to this section by the act adding this subdivision shall only apply to housing made available or a contract for housing entered into, amended, or extended under this part on or after January 1, 2025.

SEC. 2. Section 53572 of the Health and Safety Code is amended to read:

53572. As used in this part:

(a) "Affordable rental housing" means a rental housing development, as defined in subdivision (d) of Section 50675.2, with a majority of its rents restricted to levels that are affordable to persons and families of low or moderate income, as defined in Section 50093, but neither definition is restrictive to only projects with five or more units.

(b) "Local public employees" includes employees of any city, county, city and county, charter city, charter county, charter city and county, special district, or any combination thereof.

(c) "Nonprofit organization employee" includes employees of a nonprofit organization operating early childhood, prekindergarten, or schoolage childcare, classrooms, or programs, or expanded learning classrooms and programs, on school district property with funding from the State Department of Education, the federal Head Start program, or other public funding targeted to children from families of low and moderate income.

(d) "Teacher" and "school district employee" mean any person employed by any of the following:

- (1) A unified school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 12, inclusive.
- (2) An elementary school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 8, inclusive.
- (3) A high school district maintaining grades 9 to 12, inclusive, including, but not limited to, certificated and classified staff.

SEC. 3. Section 53573 of the Health and Safety Code is amended to read:

53573. A school district may establish and implement programs that address the housing needs of teachers, school district employees, and nonprofit organization employees who face challenges in securing affordable housing. To the extent feasible, the school district may establish and implement programs that, among other things, do the following:

- (a) Leverage federal, state, and local public, private, and nonprofit programs and fiscal resources available to housing developers.
- (b) Promote public and private partnerships.
- (c) Foster innovative financing opportunities.

SEC. 4. Section 53574 of the Health and Safety Code is amended to read:

53574. This part specifically creates a state policy supporting housing for teachers, school district employees, and nonprofit organization employees, as described in Section 42(g)(9) of the Internal Revenue Code, and, further, permits school districts and developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to teachers, school district employees, and nonprofit organization employees on land owned by school districts, including permitting school districts and developers in receipt of tax credits designated for affordable rental housing to retain the right to prioritize and restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, and to nonprofit organization employees, so long as that housing does not violate any other applicable laws.